

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENDY HARRINGTON,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
SECURITIZED ASSET-BACKED
RECEIVABLES LLC TRUST 2007-HE1,
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2007-HE1,

Defendant.

CIVIL ACTION NO. 1:19-cv-12320-DJC

**AFFIDAVIT OF HALE YAZICIOGLU LAKE IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, Hale Yazicioglu Lake, being first duly sworn, hereby depose and state that I am over the age of 18, and that if called to testify in this matter I could, based upon my personal knowledge, competently testify as follows:

1. I am an attorney at Hinshaw & Culbertson LLP (“Hinshaw”) and together with Kevin W. Manganaro, I represent the Defendant, Deutsche Bank National Trust Company as Trustee for the Securitized Asset-Backed Receivables LLC Trust 2007 HE-1, Mortgage Pass-Through Certificates Series 2007-HE1 (“Deutsche Bank as Trustee”) in this action. This affidavit is submitted in support of Deutsche Bank as Trustee’s Motion for Summary Judgment.

2. This action concerns the real property known as 4 Mercier Street, Dracut, Massachusetts (the “Property”). Deutsche Bank as Trustee is the current mortgagee of record for the subject property.

3. This affidavit is based on my personal knowledge concerning the issues described in Plaintiff Wendy Harrington’s (“Plaintiff” or “Harrington”) complaint, and my review of the public record and the business records and files concerning Plaintiff’s mortgage loan and the

related documents kept by Hinshaw in the ordinary course of business as counsel to Deutsche Bank as Trustee.

4. Hinshaw obtained the following documents attached to this affidavit in connection with Deutsche Bank as Trustee's Motion for Summary Judgment from the Middlesex North Registry of Deeds (the "Registry"):

a. **Exhibit A** is a certified copy of a Foreclosure Deed, dated February 4, 2011, executed on behalf of Deutsche Bank National Trust Company, recorded with and obtained from the Registry in Book 25085, Page 79;

b. **Exhibit B** is a certified copy of a Quitclaim Deed, dated June 22, 2012, conveying the Property from Deutsche Bank National Trust Company to Harrington, recorded with and obtained from the Registry in Book 26126, Page 96;

5. In addition to the above-mentioned title documents, **Exhibit C**, attached hereto, is a true and accurate copy of the Complaint filed by Harrington with the Massachusetts Superior Court (Middlesex County), under Case No. 0881CV02411. This complaint was obtained from was obtained from the publicly-available online records of the Massachusetts Trial Court, *available at* <http://www.masscourts.org> (last visited July 16, 2020).

6. **Exhibit D**, attached hereto, is a true and accurate copy of the docket for Middlesex Superior Court Case No. 0881CV02411. This docket was obtained from the publicly-available online records of the Massachusetts Trial Court, *available at* <http://www.masscourts.org> (last visited July 16, 2020).

7. In addition to the above-mentioned title documents, **Exhibit E**, attached hereto, is a true and accurate copy of a Memorandum of Decision and Order, dated March 29, 2017, issued by the Middlesex Superior Court (Inge, J.) granting Deutsche Bank as Trustee's Motion for Judgment on the Pleadings, under Case No. 1681CV02117. This document was obtained from the

publicly-available online records of the Massachusetts Trial Court, *available at* <http://www.masscourts.org> (last visited July 16, 2020).

8. **Exhibit F**, attached hereto, is a true and accurate copy of the Judgment on the Pleadings, dated March 31, 2017, under Case No. 1681CV02117. This document was requested and obtained from the records of Houser LLP, which served as counsel to Deutsche Bank as Trustee in another matter.

9. **Exhibit G**, attached hereto, is a true and accurate copy of the docket for Middlesex Superior Court Case No. 1681CV02117. This docket was obtained from the publicly-available online records of the Massachusetts Trial Court, *available at* <http://www.masscourts.org> (last visited July 16, 2020).

10. **Exhibit H**, attached hereto, is a true and accurate copy of the docket for Massachusetts Supreme Judicial Court Case No. SJ-2018-0592. This docket was obtained from the publicly-available online records of the Massachusetts Supreme Judicial Court, *available at* <https://www.ma-appellatecourts.org/> (last visited July 16, 2020).

11. **Exhibit I**, attached hereto, is a true and accurate copy of a Supreme Judicial Court rescript opinion in Case No. SJC-12791. This opinion was obtained from the publicly-available online records of the Massachusetts Supreme Judicial Court *available at* <https://www.ma-appellatecourts.org/> (last visited July 16, 2020).

12. **Exhibit J**, attached hereto, is a true and accurate copy of the docket for Massachusetts Supreme Judicial Court Case No. SJC-12791. This docket was obtained from the publicly-available online records of the Massachusetts Supreme Judicial Court *available at* <https://www.ma-appellatecourts.org/> (last visited July 16, 2020).

13. **Exhibit K**, attached hereto, is a true and accurate copy of a Notice of Sale mailed to Harrington concerning the October 25, 2019, foreclosure sale requested and obtained from the records of Korde & Associates, P.C., which served as foreclosure counsel to Deutsche Bank as Trustee.

14. **Exhibit L**, attached hereto, is a true and accurate copy of Deutsche Bank as Trustee's Requests for Admission, served on Harrington on or about April 20, 2020. Our office did not receive any written responses from Harrington to these Requests for Admission, or Deutsche Bank as Trustee's other written discovery requests, within thirty (30) days as required under Fed. R. Civ. P. 36.

Signed under the pains and penalties of perjury this 17th day of July, 2020.

/s/ Hale Yazicioglu Lake

Hale Yazicioglu Lake, BBO #679480

CERTIFICATE OF SERVICE

I, Hale Yazicioglu Lake, hereby certify that on this 17th day of July, 2020, I served a true and accurate copy of the foregoing document by First Class Mail and e-mail as follows:

Wendy Harrington, *Pro Se*
4 Mercier Street
Dracut, MA 01826
Cocacapi@hotmail.com

/s/ Hale Yazicioglu Lake

Hale Yazicioglu Lake